

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOHN PAUL FRANK SCHOWACHERT,

Plaintiff,

v.

POLLEY,

Defendant.

Case No. 1:25-cv-00121-JLT-BAM (PC)

**ORDER DENYING PLAINTIFF'S MOTIONS  
TO SUBMIT EVIDENCE AND STRIKING  
FILINGS**

(ECF Nos. 11, 12)

Plaintiff John Paul Frank Schowachert ("Plaintiff") is state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff's complaint has not yet been screened. Currently pending are the Court's February 5, 2025 findings and recommendations recommending that Plaintiff's motion for leave to proceed *in forma pauperis* be denied. (ECF No. 7.)

On February 12, 2025, Plaintiff filed a motion to submit evidence as proof of his injuries in support of the claims in the complaint, with attached exhibits. (ECF No. 9.) The Court denied the motion, reminding Plaintiff that parties may not file evidence with the Court until the course of litigation brings the evidence into question. **Plaintiff was also reminded that evidence improperly submitted to the Court may be stricken or returned.** (*Id.*)

On February 21, 2025, Plaintiff filed two additional motions to submit evidence and other pictures and documents to support his claims. (ECF Nos. 11, 12.) As previously explained,

1 Plaintiff may not file evidence with the Court until the course of litigation brings the evidence  
2 into question. At this time, the Court's February 5, 2025 findings and recommendations to deny  
3 Plaintiff's motion for leave to proceed *in forma pauperis* remain pending, and there are no other  
4 pending matters that would require Plaintiff to submit evidence to be entered on the Court's  
5 docket at this time. Accordingly, Plaintiff's motions are denied, and the proposed evidence will  
6 be stricken. **Plaintiff is again reminded that evidence improperly submitted to the Court**  
7 **may be stricken or returned.**

8 Based on the foregoing, IT IS HEREBY ORDERED as follows

- 9 1. Plaintiff's motions to submit evidence, (ECF Nos. 11, 12), are DENIED; and
- 10 2. Plaintiff's motions to submit evidence, (ECF Nos. 11, 12), are STRICKEN.

11 IT IS SO ORDERED.

12 Dated: **February 25, 2025**

13 /s/ Barbara A. McAuliffe  
14 UNITED STATES MAGISTRATE JUDGE  
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